

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2598 of 1989

For Approval and Signature:

Hon'ble MR.JUSTICE K.G.BALAKRISHNAN and

Hon'ble MR.JUSTICE J.M.PANCHAL

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
  2. To be referred to the Reporter or not?
  3. Whether Their Lordships wish to see the fair copy of the judgement?
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge?

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PATEL MAGANBHAI TAPUBHAI

Versus

OFFICER ON SPECIAL DUTY NO.2  
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Appearance:

MR SURESH M SHAH for Petitioners  
SERVED for Respondent No. 1  
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CORAM : MR.JUSTICE K.G.BALAKRISHNAN and  
MR.JUSTICE J.M.PANCHAL

Date of decision: 13/02/98

ORAL JUDGEMENT (Per J.M.Panchal,J.)

By means of filing this petition under Article  
226 of the Constitution of India, the petitioners have

prayed for issuance of a writ of mandamus or any other writ or order directing the respondent to decide application dated April 27, 1988 claiming solatium and interest as per the provisions of the Land Acquisition (Amendment) Act, 1984.

2. The petitioners and others were co-owners of the land bearing survey no.18/1 admeasuring 7 acres and 12 gunthas situated at village Sambalpur. The land was acquired by the Gujarat Industrial Development Corporation for expansion of the industrial estate at Sambalpur. The respondent passed an award on July 28, 1986. According to the petitioners, they were entitled to additional solatium and interest at the rate specified in the provisions of Land Acquisition (Amendment) Act, 1984. Under the circumstances, the petitioners submitted application dated April 27, 1988 to the respondent and claimed compensation on the basis of the amended provisions of the said Act. The grievance made by the petitioners is that the application dated April 27, 1988 submitted by the petitioners, has not yet been decided by the respondent. The petitioners have, therefore, filed the present petition.

3. The learned Counsel for the petitioners has produced a copy of the application dated April 27, 1988 on record. The matter was placed for admission hearing before the Court on April 4, 1991 and after hearing the learned Counsel for the petitioners, Rule was issued, making it returnable on September 3, 1991. Though the respondent is duly served, no affidavit-in-reply is filed controverting the averments made in the petition. The fact that the petitioners had made application dated April 27, 1988 claiming additional compensation is not in dispute. It is also not in dispute that the said application has not been decided by the respondent. Under the circumstances, we feel that, ends of justice would be met, if the respondent is directed to decide the said application within a stipulated time.

4. For the foregoing reasons, the petition succeeds. The respondent is directed to decide application dated April 27, 1988, as early as possible, and preferably within 3 months from today. It is clarified that, if application dated April 27, 1988 is not traceable on the record of the respondent, the respondent would call upon the petitioner to produce a copy of it and thereafter, decide the same. Rule is made absolute accordingly with no order as to costs.

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